IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 7224 of 2005

Between:

1 K.Narasimha Reddy, S/o.Veera Reddy,
R/o.Nandagiri Village, Pedapally Mandal, Karimnagar District.
2 Smt.A.Kavitha @ Srilatha, W/o.Srinivas Reddy,
R/o.Nandagiri Village, Pedapally Mandal, Karimnagar District.
3 Smt.G.Laxmi, W/o.Janardhan Reddy,
R/o.Nandagiri Village, Pedapally Mandal, Karimnagar District.

..... PETITIONERS

AND

1 N.Sujatha, W/o Prakash Rao,
R/o.Sarvareddypalli Village, Gangadhara Mandal, Karimnagar

District.
2 Thakur Uday Singh, S/o.late Narayan Singh,
R/o.Julapally Village and Mandal, Karimnagar District.
3 Bheemanathi Sjatha, W/o.Mallesham,
R/o.Lothunur Village, Gollapally Mandal, Karimnagar District.
4 Naredla Narsimha Reddy, S/o. Kishta Reddy,
R/o.1-3-150, CVRN Road, Opp.Dr.Laxman, Karimnagar District.
5 V. Bhoopathi Reddy, S/o.Venkat Reddy,
R/o.1-3-150, CVRN Road, Opp.Dr.Laxman, Karimnagar District.
6 V.Vidyasagar, S/o.Venkat Reddy,
R/o.1-3-150, CVRN Road, Opp.Dr.Laxman, Karimnagar District.
7 The District Judge,
Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of writ of Certiorari calling for records from the respondent No.7, pertaining to IA Nos.888 and 889 of 2001 in LGOP No.570 of 2001 and set aside the orders passed in IA Nos.888 and 889 of 2001 dt.7th July 2003 by the District Judge, Karimnagar as illegal, arbitrary, without applying Judicial mind and violative of Articles 14,16 and 31 of Constitution of India.

For the Petitioners: Mr.P.Venkataswamy, Advocate.

For the Respondents:

The Court made the following:

ORDER: (per Sri B. Sudershan Reddy, J)

The impugned order passed by the learned District Judge, in our considered opinion, is not vitiated for any reason whatsoever requiring this Court's interference in exercise of its jurisdiction under Article 226 of the Constitution of India. The Court after an elaborate consideration of the matter and upon appreciation of the evidence available on record came to the conclusion that the petitioners herein could not make out any prima facie case requiring any interlocutory order to be passed in their favour. The Court accordingly dismissed the application filed by the petitioners herein seeking injunction against the respondents. We find no error to have been committed by the learned District Judge in dismissing the application.

Learned counsel for the petitioners, Sri Venkata Swamy, however, contends that the learned District Judge while disposing of the interlocutory application had made certain objections which may virtually amount to rejecting the very main proceedings initiated by the petitioners herein and such observations could not have been made by the learned District Judge while disposing of the interlocutory application.

It is needless to clarify that the observations, if any, made by the learned District Judge while disposing of the interlocutory application shall have no bearing whatsoever upon the merits of the case and all such observations are confined only for the purpose of disposal of the interlocutory application.

That so far as the question of appointment of Commissioner is concerned, it shall always be open to the Special Tribunal to appoint a Commissioner, if during the course of enquiry, the Tribunal comes to the conclusion that it would be just and necessary to appoint Commissioner. The observations, if any, made in the order shall not come in the way of the Special Tribunal to appoint an advocate-Commissioner as and when such a need arises.

With the observations as above, the writ petition shall stand dismissed.

(B. Sudershan Reddy, J)

04-04-2005

(C.V. Ramulu, J)

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To

1. The District Judge, Karimnagar District.
2. 2 CD copies.

3. 1 CC to MR.VENKATASWAMY.